

DETAILED ACTION

Claims 1-9 are presented for examination on the merits.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on June 13, 2006, was filed and received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Objection To Specification

The specification is object to be cause the priority date has not been properly acknowledged in the specification. Applicants are requested to amendment page 1, at line 1 of the specification to indicate the priority date of the 371 application, such as – This Application is a 371 of PCT/IN03/00466, filed December 31, 2003.--.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an enzymatic process for preparation of an aminoacyl ester of a monosaccharide as claimed, does not reasonably provide enablement for carrying out the process with any sugar. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to carry out and practice the invention commensurate in scope with these claims.

The process requires the preparation of an aminoacyl ester of a monosaccharide with an underivatised amino acid which will, therefore, require the sugar to be selected from an underivatised sugar of a monosaccharide selected from the group consisting of D-glucose, D-fructose, D-galactose, D-mannose, D-arabinose, ribose and deoxyribose. There would be a burden placed upon one of skill in the art to carry out the process as claimed with any sugar to obtain the product as claimed. The product is required to be of a monosaccharide and the claimed method should be claimed within the scope of the claimed process of preparing the product. Maruyama et al clearly show that these products can not be obtained without using the specific monosaccharides as claimed herein. Thus, the claimed invention can not be practiced without the specific underivatised sugars as set forth in claim 4.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite the limitation "the product" in lines 4 and 1, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the underivatised sugar" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 is rendered vague and indefinite for the recitation of "and their corresponding D, L-mixtures" because it is unclear what is intended by the phrase, does

it intend to mean a mixture of the amino acids of the Markush Group? The metes and bounds of the claims can not be determined.

The claims are rendered free of the prior art.

The references listed on the enclosed PTO-892 and/or PTO-1449 are cited to further show the state of the art.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE K. WARE whose telephone number is (571)272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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/Deborah K. Ware/

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Examiner

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